

REMARKS

In the Office Action dated March 30, 2004, the Examiner (1) allowed claims 57-66, 69-72, and 74-149; (2) rejected claims 67, 68, and 73 under the judicially created doctrine of obviousness-type double patenting over U.S. patent No. 6,608,588; and (3) objected to claim 74 as being dependent upon a rejected base claim, but indicated claim 74 would be allowable if the rejection of its base claim were overcome.

Applicant appreciates the Examiner indicating that claims 57-66, 69-72, and 74-149 are allowable and that claim 74 would be allowable.

Without agreeing with the Examiner's rejection under the judicially created doctrine of obviousness-type double patenting, Applicant cancels claims 67, 68, and 73 to overcome the rejection and advance prosecution. Further, Applicant rewrites claim 74 so that it is in independent form and includes all the limitations of its previous base claim 73 and any intervening claims. Therefore, claim 74 is now allowable. Applicant respectfully requests that the Examiner withdraw the objection to claim 74.

The Examiner stated that claims 57-66, 69-72, and 74-149 "are allowable for the same reasons that the claims of U.S. Patent No. 6,608,588 were allowed." Applicant does not have a record of the Examiner providing reasons for allowance in the '588 application, and therefore cannot agree or disagree with the Examiner's reasoning. Further, the Examiner stated that "all of the limitations of the claims are not taught or suggested by the claims of '588." Applicant agrees with the Examiner. The Examiner also stated that "[w]hile the claims of '588 have the requirement that a receiver is present, the 'chipping' of the received signals . . . to give them random phase or the detection of a plurality of signals from a plurality of objects using the spatial location of the object . . . is not claimed in '588." Applicant disagrees with the Examiner to the

extent the statement limits in any way the definition of "chipping" as defined in the specification, such as in paragraph 22 for example.


In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: 
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